

PA-IDC

QUERY CONTROL FORM				RTIS USE ONLY	
Application No.	09880199	Prepared by	CA	Tracking Number	06025396
Examiner-GAU	Hendricks 1701	Date	10/27/04	Week Date	10/18/04
		No. of queries	1	IPW (Pury)	

JACKET

a. Serial No.	f. Foreign Priority	k. Print Claim(s)	p. PTO-1449
b. Applicant(s)	g. Disclaimer	l. Print Fig.	q. PTOL-85b
c. Continuing Data	h. Microfiche Appendix	m. Searched Column	r. Abstract
d. PCT	i. Title	n. PTO-270/328	s. Sheets/Figs
e. Domestic Priority	j. Claims Allowed	o. PTO-892	t. Other

SPECIFICATION

- a. Page Missing
- b. Text Continuity
- c. Holes through Data
- d. Other Missing Text
- e. Illegible Text
- f. Duplicate Text
- g. Brief Description
- h. Sequence Listing
- i. Appendix
- j. Amendments
- k. Other

MESSAGE

*Improper Dependency: Claim 12 (now
Claim 4) depends upon cancelled Claim 8.
Please Resolve.*

CLAIMS

- a. Claim(s) Missing
- b. Improper Dependency
- c. Duplicate Numbers
- d. Incorrect Numbering
- e. Index Disagrees
- f. Punctuation
- g. Amendments
- h. Bracketing
- i. Missing Text
- j. Duplicate Text
- k. Other

Thank You
initials CA

RESPONSE

initials

9. (Previously presented) A food product having a pH of 3.8 or less, said food product comprising probiotic Lactobacillus bacteria which have been rendered non-viable and said food product being substantially non-fermented by said Lactobacillus bacteria.

10-11 (Canceled)

4 12. (Previously presented) Method according to claim 9, wherein the ratio of non-viable to viable bacteria is more than 5:1.

5 13. (Previously presented) Method according to claim 12, wherein the ratio of non-viable to viable bacteria is more than 10:1.

6 14 (Currently amended) A method to produce a food product comprising health-active non-viable probiotic Lactobacillus bacteria which have been rendered non-viable, wherein the method comprises the step of adding a mixture of viable and non-viable Lactobacillus into the food product followed by inactivation of the viable probiotic Lactobacillus before substantial fermentation of the food product can take place, and wherein no substantial fermentation of the food product by said Lactobacillus bacteria will take place, the method including a heat treatment step for preparation and preservation of the food product.

15. (previously presented) Food product according to claim 9 wherein the amount of non-viable lactobacillus bacteria in the food product is from about 10^6 to 10^{11} per serving or per 100g of product.

16-18 (Canceled)